

Calendar No. 640

103D CONGRESS
2D SESSION

S. 471

A BILL

To establish a new area study process for proposed additions to the National Park System, and for other purposes.

SEPTEMBER 27 (legislative day, SEPTEMBER 12), 1994
Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, JANUARY 5), 1993

Mr. WALLOP introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 27 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. JOHNSTON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a new area study process for proposed additions to the National Park System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “New Parks Study Act”
5 of 1993.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

1 (1) The term “Secretary” means the Secretary
2 of the Interior.

3 **SEC. 3. NEW AREA STUDIES FOR POTENTIAL ADDITIONS TO**
4 **THE NATIONAL PARK SYSTEM.**

5 (a) ~~IN GENERAL.~~—The Secretary shall undertake
6 and submit to the Committee on Energy and Natural Re-
7 sources and Committee on Appropriations of the United
8 States Senate and to the appropriate committees of the
9 House of Representatives reports on such new area studies
10 or park expansion studies as are herein or may hereafter
11 be authorized by Congress for the purpose of determining
12 the feasibility and suitability of designating such areas (in-
13 cluding boundary expansion of existing units) for addition
14 to the National Park System and any feasible alternatives
15 to such action. The Secretary shall undertake site specific
16 and, where appropriate, thematic studies in preparing
17 such reports. All such studies shall be made in consulta-
18 tion with affected agencies at the Federal, State, and local
19 levels, public and private organizations and concerned
20 landowners and users.

21 (b) ~~FACTORS.~~—All new area or expansion studies re-
22 ferred to in this section shall consider each of the follow-
23 ing—

1 (1) whether the resource is nationally signifi-
2 cant, including, but not limited to, an evaluation of
3 the area's uniqueness,

4 (2) whether similar resources are already pro-
5 tected in the National Park System, or by other
6 public or private ownership and the degree to which
7 such protection would achieve the purposes sought
8 by inclusion of such resource within the National
9 Park System,

10 (3) whether the unit is of appropriate configu-
11 ration to ensure long-term resource protection and
12 visitor use,

13 (4) the extent of nonconforming existing or po-
14 tential uses that may compromise management as a
15 unit of the System,

16 (5) whether any other management entity other
17 than the National Park Service would be more
18 appropriate,

19 (6) public use potential,

20 (7) resource integrity,

21 (8) the cost of land acquisition and develop-
22 ment, and annual cost for operation and mainte-
23 nance, and

24 (9) any other factors deemed appropriate by the
25 Secretary.

1 (c) ~~REPORTS TO CONGRESS.~~—Within eighteen
2 months after the date that funds are made available for
3 the study of an area the Secretary shall transmit to the
4 Congress a report of such study that specifically addresses
5 all of the factors required to be considered under sub-
6 section (b). Each such report shall indicate the suitability
7 and feasibility of authorizing the area as a unit or expand-
8 ing an existing unit of the National Park System and any
9 feasible alternative to such action. In transmitting the re-
10 port, the Secretary shall identify the preferred alternative
11 and also discuss any outstanding contentious issues relat-
12 ed to each alternative considered.

13 **SEC. 4. PRIORITY LIST OF POTENTIAL PARK SYSTEM ADDI-**
14 **TIONS.**

15 (a) ~~LIST.~~—The National Park Service shall develop
16 and maintain a single list of potential additions (including
17 major expansion proposals) in order of their numerical pri-
18 ority for potential addition to the National Park System.
19 This list shall be initially comprised of areas for which
20 the agency has completed adequate studies which are con-
21 sistent with section 3. The list shall be updated and repub-
22 lished at least every two years to reflect studies completed
23 under the provisions of this act.

24 (b) ~~ESTABLISHING PRIORITIES.~~—In addition to the
25 factors referred to in section 3(b), the Secretary shall con-

1 sider each of the following in establishing the numerical
2 priorities for inclusion of new areas or expansion of exist-
3 ing units in the National Park System—

4 (1) imminence of any threats to the resource or
5 nature of ongoing degradation,

6 (2) extent to which similar resources are pro-
7 tected in the National Park System or by any other
8 entity,

9 (3) the numerical priority of land acquisition
10 for the proposed new area or addition relative to the
11 numerical priorities of authorized but unacquired
12 lands for existing units,

13 (4) the numerical priority of development and
14 operation of the new area or addition relative to
15 other proposed additions and existing units,

16 (5) the level of local and general public support,
17 and

18 (6) any other factors deemed appropriate by the
19 Secretary.

20 (c) TRANSMISSION OF PRIORITY LIST TO CON-
21 GRESS.—At the beginning of each Congress, the Secretary
22 shall transmit to the Speaker of the House of Representa-
23 tives and to the President of the Senate, a copy of the
24 most recent numerical priority list prepared under this
25 section. In addition, the Secretary is encouraged to peri-

1 odically transmit any recommendations for new area stud-
 2 ies (including expansion proposals) which he deems appro-
 3 priate. Such recommendations should be based on an
 4 objective preliminary review of such proposals.

5 **SEC. 5. REPEAL OF EXISTING STATUTE.**

6 Section 8 of the Act entitled “An Act to improve the
 7 Administration of the national park system by the Sec-
 8 retary of the Interior, and to clarify the authorities appli-
 9 cable to the system, and for other purposes”, approved
 10 August 18, 1970 (16 U.S.C. 1a-5), is amended by striking
 11 out the first through the seventh sentences of subsection
 12 (a).

13 **SEC. 6. CLARIFICATION OF EXISTING STATUTE.**

14 Section 1215(b) of Public Law 101-628 is amended
 15 by inserting “, one single document in numerical order,”
 16 after the words “A priority listing”.

17 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums
 19 as may be necessary to carry out this Act.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “National Park System*
 22 *Reform Act of 1994”.*

1 **TITLE I—NATIONAL PARK SYSTEM PLAN.**

2 **SEC. 101. PREPARATION OF NATIONAL PARK SYSTEM PLAN.**

3 (a) *PREPARATION OF PLAN.*—The Secretary of the In-
4 terior (hereinafter in this Act referred to as the “Sec-
5 retary”), acting through the Director of the National Park
6 Service, shall prepare a National Park System Plan (here-
7 inafter in this Act referred to as the “plan”) to guide the
8 direction of the National Park System into the next cen-
9 tury. The plan shall include each of the following:

10 (1) *A statement of goals and objectives for use in*
11 *defining the mission and role of the National Park*
12 *Service in preserving our national natural and cul-*
13 *tural heritage, relative to other efforts at the Federal,*
14 *State, local, and private levels.*

15 (2) *Detailed criteria to be used in determining*
16 *which natural and cultural resources are appropriate*
17 *for inclusion as units of the National Park System.*

18 (3) *Identification of what constitutes adequate*
19 *representation of a particular resource type and*
20 *which aspects of the national heritage are adequately*
21 *represented in the existing National Park System or*
22 *in other protected areas.*

23 (4) *Identification of appropriate aspects of the*
24 *national heritage not currently represented in the Na-*
25 *tional Park System.*

1 (5) *Priorities of the themes and types of re-*
2 *sources which should be added to the National Park*
3 *System in order to provide more complete representa-*
4 *tion of our Nation's heritage.*

5 (6) *A statement of the role of the National Park*
6 *Service with respect to such topics as preservation of*
7 *natural areas and ecosystems, preservation of indus-*
8 *trial America, preservation of non-physical cultural*
9 *resources, and provision of outdoor recreation oppor-*
10 *tunities.*

11 (7) *A statement of what areas constitute units of*
12 *the National Park System and the distinction between*
13 *units of the system, affiliated areas, and other area*
14 *within the system.*

15 (b) *CONSULTATION.*—*During the preparation of the*
16 *plan under subsection (a), the Secretary shall consult with*
17 *other Federal land managing agencies, State and local offi-*
18 *cials, the National Park System Advisory Board, resource*
19 *management, recreation and scholarly organizations and*
20 *other interested parties as the Secretary deems advisable.*
21 *These consultations shall also include appropriate opportu-*
22 *nities for public review and comment.*

23 (c) *TRANSMITTAL TO CONGRESS.*—*Prior to the end of*
24 *the third complete fiscal year commencing after the date*
25 *of enactment of this Act, the Secretary shall transmit the*

1 *plan developed under this section to the Committee on En-*
 2 *ergy and Natural Resources of the United States Senate and*
 3 *the Committee on Natural Resources of the House of Rep-*
 4 *resentatives.*

5 ***SEC. 102. NATIONAL PARK SYSTEM REVIEW COMMISSION.***

6 (a) *ESTABLISHMENT OF COMMISSION.*—(1) *There is*
 7 *hereby established a National Park System Review Com-*
 8 *mission (hereinafter referred to as the “Commission”) to re-*
 9 *view the existing National Park System to determine wheth-*
 10 *er there are more appropriate alternatives for managing*
 11 *specific units or portions of units within the system, includ-*
 12 *ing partnerships or direct management by States, local gov-*
 13 *ernments, other agencies and the private sector.*

14 (2) *In conducting such review, the Commission shall*
 15 *consider such factors as duplication within the National*
 16 *Park System, better representation of a particular resource*
 17 *type under management of another entity, lack of signifi-*
 18 *cance, lack of management feasibility, cost, lack of visitor*
 19 *accessibility, modifications that change the character of the*
 20 *resource, lack of collaboration to protect resources, suit-*
 21 *ability for management by another agency, and the compat-*
 22 *ibility of the resource with the present mission and role of*
 23 *the National Park Service.*

24 (3) *For any areas for which termination of National*
 25 *Park Service management is recommended, the Commission*

1 *shall make recommendations regarding management by an*
2 *entity or entities other than the National Park Service. For*
3 *any area determined to have national significance, prior*
4 *to recommending the termination of such area as a unit*
5 *of the National Park System, the Commission shall identify*
6 *feasible alternatives to National Park Service management*
7 *which will protect the resources thereof and assure contin-*
8 *ued public access thereto.*

9 (4) *In conducting its review, the Commission shall*
10 *consult with other Federal land managing agencies, State*
11 *and local officials, the National Park System Advisory*
12 *Board, resource management, recreation and scholarly or-*
13 *ganizations and other interested parties as the Secretary*
14 *deems advisable. These consultations shall also include ap-*
15 *propriate opportunities for public review and comment.*

16 (b) *REPORT.—Within one year after the date the Com-*
17 *mission is established, the Commission shall prepare and*
18 *transmit to the Secretary a report containing a list of Na-*
19 *tional Park System units or portions thereof where, pursu-*
20 *ant to its review, the Commission recommends that Na-*
21 *tional Park Service management should be modified or ter-*
22 *minated, along with recommendations regarding alter-*
23 *native management by an entity or entities other than the*
24 *National Park Service.*

1 (c) *SECRETARIAL REVIEW.*—Upon receipt of the report
2 from the Commission, the Secretary shall review such re-
3 port, and within 60 days of the receipt thereof, shall trans-
4 mit the report, together with the Secretary's analysis and
5 comments regarding such report, to the Committee on En-
6 ergy and Natural Resources of the United States Senate and
7 the Committee on Natural Resources of the House of Rep-
8 resentatives.

9 (d) *MEMBERSHIP AND APPOINTMENT.*—The Commis-
10 sion shall consist of seven members, each of whom shall have
11 substantial familiarity with, and understanding of, the Na-
12 tional Park System. Three members of the Commission, one
13 of whom shall be the Director of the National Park Service,
14 shall be appointed by the Secretary. Two members shall be
15 appointed by the Speaker of the United States House of
16 Representatives and two shall be appointed by the President
17 Pro Tempore of the United States Senate. Each member
18 shall be appointed within three months after the date of en-
19 actment of this Act.

20 (e) *CHAIR.*—The Commission shall elect a chair from
21 among its members.

22 (f) *VACANCIES.*—Vacancies occurring on the Commis-
23 sion shall not affect the authority of the remaining members
24 of the Commission to carry out the functions of the Commis-
25 sion. Any vacancy in the Commission shall be promptly

1 *filled in the same manner in which the original appoint-*
2 *ment was made.*

3 (g) *QUORUM.*—*A simple majority of Commission*
4 *members shall constitute a quorum.*

5 (h) *MEETINGS.*—*The Commission shall meet at least*
6 *quarterly or upon the call of the chair or a majority of*
7 *the members of the Commission.*

8 (i) *COMPENSATION.*—*Members of the Commission shall*
9 *serve without compensation as such. Members of the Com-*
10 *mission, when engaged in official Commission business,*
11 *shall be entitled to travel expenses, including per diem in*
12 *lieu of subsistence, in the same manner as persons employed*
13 *intermittently in government service under section 5703 of*
14 *title 5, United States Code.*

15 (j) *TERMINATION.*—*The Commission established pur-*
16 *suant to this section shall terminate ninety days after the*
17 *transmittal of the report to the Secretary.*

18 (k) *LIMITATION ON NATIONAL PARK SERVICE*
19 *STAFF.*—*The Commission may hire staff to carry out its*
20 *assigned responsibilities. Not more than one-half of the pro-*
21 *fessional staff of the Commission shall be made up of cur-*
22 *rent employees of the National Park Service.*

23 (l) *STAFF OF OTHER AGENCIES.*—*Upon the request of*
24 *the Commission, the head of any Federal agency may de-*

1 *tail, on a reimbursable basis, any of the personnel of such*
2 *agency to the Commission to assist the Commission.*

3 *(m) EXPERTS AND CONSULTANTS.—Subject to such*
4 *rules as may be adopted by the Commission, the Commis-*
5 *sion may procure temporary and intermittent services to*
6 *the same extent as authorized by section 3109(b) of title*
7 *5, United States Code, but at rates determined by the Com-*
8 *mission to be advisable.*

9 *(n) POWERS OF THE COMMISSION.—(1) The Commis-*
10 *sion shall for the purpose of carrying out this title hold*
11 *such public hearings, sit and act at such times and places,*
12 *take such testimony, and receive such evidence as the Com-*
13 *mission deems advisable.*

14 *(2) The Commission may make such bylaws, rules, and*
15 *regulations, consistent with this title, as it considers nec-*
16 *essary to carry out its functions under this title.*

17 *(3) When so authorized by the Commission any mem-*
18 *ber or agent of the Commission may take any action which*
19 *the Commission is authorized to take by this section.*

20 *(4) The Commission may use the United States mails*
21 *in the same manner and upon the same conditions as other*
22 *departments and agencies of the United States.*

23 *(5) The Secretary shall provide to the Commission any*
24 *information available to the Secretary and requested by the*
25 *Commission regarding the plan referred to in section 101*

1 *and any other information requested by the Commission*
 2 *which is relevant to the duties of the Commission and avail-*
 3 *able to the Secretary.*

4 ***TITLE II—NEW AREA ESTABLISHMENT***

5 ***SEC. 201. STUDY OF NEW PARK SYSTEM AREAS.***

6 *Section 8 of the Act of August 18, 1970, entitled “An*
 7 *Act to improve the Administration of the National Park*
 8 *System by the Secretary of the Interior, and to clarify the*
 9 *authorities applicable to the system, and for other purposes”*
 10 *(16 U.S.C. 1a–1 and following) is amended as follows:*

11 *(1) By inserting “GENERAL AUTHORITY.—”*
 12 *after “(a)”.*

13 *(2) By striking the second through the sixth sen-*
 14 *tences of subsection (a).*

15 *(3) By redesignating the last sentence of sub-*
 16 *section (a) as subsection (e) and inserting in such*
 17 *sentence before the words “For the purposes of carry-*
 18 *ing” the following:*

19 *“(e) AUTHORIZATION OF APPROPRIATIONS.—”.*

20 *“(4) By striking subsection (b).*

21 *(5) By inserting the following after subsection*
 22 *(a):*

23 *“(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—*

24 *(1) At the beginning of each calendar year, along with the*
 25 *annual budget submission, the Secretary shall submit to the*

1 *Committee on Energy and Natural Resources of the United*
2 *States Senate and the Committee on Natural Resources of*
3 *the House of Representatives a list of areas recommended*
4 *for study for potential inclusion in the National Park Sys-*
5 *tem.*

6 “(2) *In developing the list to be submitted under this*
7 *subsection, the Secretary shall give consideration to those*
8 *areas that have the greatest potential to meet the established*
9 *criteria of national significance, suitability, and feasibility.*
10 *The Secretary shall give special consideration to themes,*
11 *sites, and resources not already adequately represented in*
12 *the National Park System as identified in the National*
13 *Park System Plan to be developed under section 101 of the*
14 *National Park System Reform Act of 1994. No study of the*
15 *potential of an area for inclusion in the National Park Sys-*
16 *tem may be initiated after the date of enactment of this*
17 *section, except as provided by specific authorization of an*
18 *Act of Congress. Nothing in this Act shall limit the author-*
19 *ity of the National Park Service to conduct preliminary*
20 *resource assessments, gather data on potential study areas,*
21 *provide technical and planning assistance, prepare or proc-*
22 *ess nominations for administrative designations, update*
23 *previous studies, or complete reconnaissance surveys of in-*
24 *dividual areas requiring a total expenditure of less than*
25 *\$25,000. Nothing in this section shall be construed to apply*

1 *to or to affect or alter the study of any river segment for*
2 *potential addition to the national wild and scenic rivers*
3 *system or to apply to or to affect or alter the study of any*
4 *trail for potential addition to the national trails system.*

5 “(c) *REPORT.—The Secretary shall complete the study*
6 *for each area for potential inclusion into the National Park*
7 *System within three complete fiscal years following the date*
8 *of enactment of specific legislation providing for the study*
9 *of such area. Each study under this section shall be pre-*
10 *pared with appropriate opportunity for public involvement,*
11 *including at least one public meeting in the vicinity of the*
12 *area under study, and reasonable efforts to notify poten-*
13 *tially affected landowners and State and local governments.*
14 *In conducting the study, the Secretary shall consider wheth-*
15 *er the area under study—*

16 “(1) *possesses nationally significant natural or*
17 *cultural resources, or outstanding recreational oppor-*
18 *tunities, and that it represents one of the most impor-*
19 *tant examples of a particular resource type in the*
20 *country; and*

21 “(2) *is a suitable and feasible addition to the*
22 *system.*

23 “*Each study shall consider the following factors with*
24 *regard to the area being studied: the rarity and integrity*
25 *of the resources, the threats to those resources, whether simi-*

1 lar resources are already protected in the National Park
2 System or in other Federal, state or private ownership, the
3 public use potential, the interpretive and educational poten-
4 tial, costs associated with acquisition, development and op-
5 eration, the socioeconomic impacts of any designation, the
6 level of local and general public support and whether the
7 unit is of appropriate configuration to ensure long term
8 resource protection and visitor use. Each such study shall
9 also consider whether direct National Park Service manage-
10 ment or alternative protection by other agencies or the pri-
11 vate sector is appropriate for the area. Each such study
12 shall identify what alternative or combination of alter-
13 natives would in the professional judgment of the Director
14 of the National Park Service, be most effective and efficient
15 in protecting significant resources and providing for public
16 enjoyment. The letter transmitting each completed study to
17 Congress shall contain a recommendation regarding the Ad-
18 ministration's preferred management option for the area.

19 “(d) LIST OF AREAS.—At the beginning of each cal-
20 endar year, along with the annual budget submission, the
21 Secretary shall submit to the Committee on Energy and
22 Natural Resources of the United States Senate and the
23 Committee on Natural Resources of the House of Represent-
24 atives a list of areas which have been previously studied
25 which contain primarily cultural or historical resources

1 *and a list of areas which have been previously studied which*
2 *contain primarily natural resources in numerical order of*
3 *priority for addition to the National Park System. In devel-*
4 *oping the list, the Secretary should consider threats to re-*
5 *source values, cost escalation factors and other factors listed*
6 *in subsection (c) of this section.”.*

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